

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

**Ryan White,  
Petitioner**

**-vs-**

**Case No. 1:02-cv-109**

**Pat Hurley,  
Respondent**

**JUDGMENT**

**Jury Verdict.**

This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**X**

**Decision by Court.**

This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED that:**

The Report & Recommendation is ADOPTED. Respondent's objection is **SUSTAINED**. A certificate of appealability shall not issue. The Court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would be taken in good faith and therefore **GRANTS** Petitioner leave to appeal *in forma pauperis* upon a showing of financial necessity. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

Date: August 23, 2004

James Bonini, Clerk

By: s/Mary C. Brown  
Mary C. Brown, Deputy Clerk